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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,501	09/02/2005	Alex Mashinsky	5624-3PUS	1842
7590 09/23/2008 Edward M. Weisz, Esq. Cohen, Pontani, Lieberman & Pavane Suite 1210 551 Fifth Avenue New York, NY 10176				
EXAMINER JOSEPH, TONYA S				
ART UNIT 3628		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/523,501

Applicant(s)

MASHINSKY, ALEX

Examiner

TONYA JOSEPH

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 16-19 and 22-25 is/are pending in the application.
- 4a) Of the above claim(s) 1-6 and 22-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 7-12 and 16-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB08)
- Paper No(s)/Mail Date 11/05/2007.
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date: ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claims 1-6, drawn to a method of receiving assistance with transportation reservations,

Group II, claims 7-12 and 16-19, drawn to a method of providing travel reservations

Group III, claims 22-25, drawn to providing transportation services by a reservation service provider

2. The inventions listed as Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

3. Groups I, II and III recite limitations regarding transmitting a travel service request to a transportation reservation system. This feature is old and well known and is taught by Patel U.S. Patent No. 5,953,706. Patel discloses a transportation reservation network system which receives transportation request from subscribers/customers (see Col. 2 lines 6-11). Groups I, II and III further recite limitations regarding transmitting and receiving transportation confirmations. This feature is old and well known and is taught

by Patel and Saito, U.S. Pre-Grant Publication No. JP 2002074119A. Saito teaches a customer confirming a taxi acceptance after fare information is received (see the Abstract of Saito and para. 21).

4. During a telephone conversation with Ed Weisz on 09/12/2008 a provisional election was made with traverse to prosecute the invention of Group II, claims 7-12 and 16-19. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-6 and 22-25 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7-9, 11 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patel U.S. Patent No. 5,953,706 in view of Saito Japanese Patent No. JP02002074119A.

7. As per Claim 7, Patel teaches:

- a. receiving travel information from a taxi customer (see Col. 6 lines 25-33);
- b. validating travel information received from said taxi customer (see Col. 6 lines 35-38);
- c. accessing a central storage device to search for available transportation among a plurality of independent travel service providers in accordance with the received travel information (see Col. 3 lines 51-53 and Col. 6 lines 44-51);

d. transmitting availability information regarding available transportation to said taxi customer (see Col. 7 lines 17-20); Patel does not explicitly teach the limitation taught by Saito e. receiving confirmation said taxi customer regarding said available transportation (see para. 20-21 and the Abstract of Saito); and f. transmitting reservation information to a fast taxi driver in conformance with the confirmation received from said taxi customer (see para. 26 and the Abstract of Saito). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the method of Patel to include the teachings of Saito to provide the user with a option to accept a wait time for a taxi.

8. As per Claim 8, Patel in view of Saito teaches the limitation of claim 7 as described above. Patel further teaches tracking said first taxi driver (see Col. 7 lines 30-35). The limitation, "to ensure said first taxi driver meets said taxi customer at pre-approved arrival time" is merely a statement of intended use and as such is afforded little patentable weight.

9. As per Claim 9, Patel in view of Saito teaches the limitation of claim 8 as described above. Patel does not explicitly teach the limitation taught by Saito calculating the travel time from origination point to destination point of the travel (see para. 28). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the method of Patel to further include the teachings of Saito to calculate fare information.

10. As per Claim 11, Patel in view of Saito in further view of teaches the limitation of claim 9 as described above. Patel does not explicitly the limitation taught by Saito

Art Unit: 3628

wherein a plurality of taxis are provided with devices having Global Positioning System (GPS) facilities (see para. 20). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the method of Patel to further include the teachings of Saito to track taxis. The limitation, "such that said devices transmit traffic information to a central server and allow real time navigation" is merely a statement of intended result and as such is afforded little patentable weight.

11. As per Claim 16, Patel in view of Saito teaches the method of claim 8 as described above. Patel further teaches charging said taxi customer for the travel (see Col. 8 lines 10-14).

12. As per Claim 17, Patel in view of Saito teaches the method of claim 16 as described above. Although, Saito teaches tracking said taxi driver (see para. 19) and receiving confirmation from said taxi customer (see the Abstract of Saito), the limitations are not based on one another as recited by Applicant's claims. However, It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the methods of Patel and Saito to include tracking said taxi driver upon receiving customer confirmation, because the application of known techniques does not lend itself to patentable subject matter unless a new and unexpected result is accomplished. In this particular instance, the result is that the taxicab is tracked, which is duly accomplished by the combination of the Patel and Saito references as applied above. The limitation, "to confirm that said taxi driver is on route to meet said taxi customer at the scheduled time" is merely a statement of intended use and as such is afforded little patentable weight.

13. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patel U.S. Patent No. 5,953,706 in view of Saito Japanese Patent No. JP02002074119A in further view of Heideman U.S. Patent No. 6,915,204 B1.

14. As per Claim 10, Patel in view of Saito teaches the method of claim 9 as described above. Patel does not explicitly teach the limitation taught by Heideman wherein said travel time is calculated based on the distance between the origination point and the destination point and legally allowed speed for the travel (see Col. 3 lines 66-67 and Col. 4 lines 1-16). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the methods of Patel and Saito to include the teachings of Heideman to take variables into account when calculating a travel time.

15. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patel U.S. Patent No. 5,953,706 in view of Saito Japanese Patent No. JP02002074119A in further view of Goino U.S. Pre-Grant Publication No. 2001/0056396 A1.

16. As per Claim 12, Patel in view of Saito teaches the method of claim 11 as described above. Patel does not explicitly teach the limitation taught by Goino wherein the traffic information includes traffic conditions along a route being taken by one of said plurality of taxis (see para. 244). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the methods of Patel and Saito to include the teachings of Goino to keep track of the construction and traffic along a taxi route.

17. Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patel U.S. Patent No. 5,953,706 in view of Saito Japanese Patent No. JP02002074119A in further view of Bayer U.S. Pre-Grant Publication No. 2002/0103693 A1.

18. As per Claim 18, Patel in view of Saito teaches the method of claim 17 as described above. Patel does not explicitly teach the limitation taught by Bayer receiving customer feedback regarding said travel with said first taxi driver and updating its feedback data (see para. 51 and 57). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the methods of Patel and Saito to include the teachings of Bayer to improve customer service.

19. As per Claim 19, Patel in view of Saito teaches the method of claim 18 as described above. Patel further teaches transferring payment to said first taxi driver for the travel. (see Col. 8 lines 15-19).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TONYA JOSEPH whose telephone number is (571)270-1361. The examiner can normally be reached on Mon-Fri 7:30am-5:00pm First Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571 272 0847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent

Art Unit: 3628

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Tonya Joseph
Examiner
Art Unit 3628

/JOHN W HAYES/
Supervisory Patent Examiner, Art Unit 3628